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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 HILDA L. SOLIS, Secretary of Labor, United) Case No. 4:12-cv-00116 (PJH/NC)
15 States Department of Labor,)
16 Plaintiff,) **[PROPOSED] PROTECTIVE ORDER**
17 v.) **PROHIBITING INQUIRY BY**
18 SEAFOOD PEDDLER OF SAN RAFAEL,) **DEFENDANTS INTO WITNESSES'**
19 INC., dba SEAFOOD PEDDLER, a) **GOVERNMENT INFORMANT OR**
20 corporation; ALPHONSE SILVESTRI, an) **IMMIGRATION STATUS**
21 individual, RICHARD MAYFIELD, an)
22 individual, and FIDEL CHACON, an)
23 individual,)
24 Defendants.)
25

Plaintiff Hilda L. Solis, Secretary of Labor, United States Department of Labor, filed a motion for protective order under Fed. R. Civ. P. 26(c), which came on for hearing before the Court on September 19, 2012. After considering the parties' joint letter brief regarding the

1 Secretary's motion and the arguments advanced by counsel during the hearing, it is hereby
 2 ORDERED that Defendants are prohibited from:

3 1. Asking any witness during a deposition, directly or indirectly, whether he or she
 4 or any other person spoke to, gave a statement to, or exchanged documents or other tangible
 5 things with the United States Department of Labor, or any of its agents, employees or
 6 investigators (collectively "DOL"). Should Defendants ask during a deposition whether a
 7 witness discussed the subject matter of this case with anyone, gave a statement to or exchanged
 8 documents or other tangible things with anyone, Defendants must begin the inquiry by stating,
 9 "with the exception of any agent of the United States Department of Labor/DOL;"

10 2. Asking any witness during a deposition, directly or indirectly, about the content of
 11 any communication, including any statement, email or correspondence, between the witness or
 12 any other person and DOL;

13 3. ~~Asking any witness during a deposition, directly or indirectly, any questions
 14 concerning the immigration status of the witness or any other person, including any questions
 15 regarding:~~

- 16 (a) ~~The existence or content of any documents concerning the person's immigration
 17 status, including but not limited to, birth certificates, passports, Visas, Green Cards,
 18 Permanent Resident Cards, Employment Authorization Cards, I-9s, or any other
 19 forms of the U.S. Citizenship and Immigration Service;~~
- 20 (b) ~~The witness's or other person's country of birth, birth name, or any other aliases
 21 used at any time;~~
- 22 (c) ~~Whether the witness or other person spoke to, gave a statement to or exchanged
 23 documents or other tangible things with DOL or any other agent of the United
 24 States government concerning the witness's and/or any other person's immigration
 25 status;~~
- 26 (d) ~~The witness's or other person's social security or tax payer identification number,
 27 or lack thereof; and~~
- 28 (e) ~~Whether the witness or other person paid income taxes, sought or obtained tax
 29 advice, or prepared or filed an income tax return, including the content of any tax
 30 returns.~~

1 4. Requesting that a deponent subpoenaed under Fed. R. Civ. P. 45 produce
2 documents that:

3 (a) ~~Refer or pertain to DOL; were provided by the witness or any other person to DOL;~~
4 ~~or constitute any communications between the witness and DOL; or~~
5 (b) ~~Directly or indirectly concern the immigration status of the witness or any other~~
6 ~~person, including any documents relating to the issues addressed above in Item No.~~
7 3.

8 5. The restrictions of this protective order do not apply at trial of this matter without
9 further order of the Court.

10 IT IS SO ORDERED.

11 Dated: September 24, 2012

